

**MINUTES
VILLAGE OF LAKE PARK
PLANNING BOARD
3801 LAKE PARK ROAD, LAKE PARK, NC
January 19, 2016**

Planning Board Members Present: Jonathan McDaniel, Heather Rodney, Bjarne Hansen, Rob Bowlin, and John Laurents.

Attorney: Ken Swain

Zoning Administrator: Cheri Clark

Call to Order: Chairman Jonathan McDaniel called the January 19, 2016 meeting to order.

Pledge of Allegiance: Chairman Jonathan McDaniel led the Pledge of Allegiance.

Public Comments: There was no public comment.

Approval of Minutes: Bjarne Hansen made the motion to approve the November 12, 2015 Planning Board minutes as presented. Heather Rodney seconded the motion. Vote – Unanimous.

Changes to the Agenda: No changes to the agenda.

Council Liaison: Council is working on consolidating the Parking Ordinance into one document and clarifying parking in alleys. The Personal Property Ordinance is being changed from criminal penalties to civil penalties.

Legislative Updates: Vagn Hansen, Benchmark consultant, discussed the 3 text amendments to the Unified Development Ordinance. The following amendments to the text of the Village of Lake Park UDO are submitted by staff for consideration by the Planning Board. The proposed amendments are submitted due to changes in local government authority in the North Carolina General Statutes and a recent decision by the United States Supreme Court. The proposed amendments are described below:

Text Amendment 2015-01: Protest Petitions

Bjarne Hansen made the motion to strike the protest petition language contained in Section 3.3 (E) due to the elimination of this provision from the North Carolina General Statutes. Heather Rodney seconded the motion. Vote – Unanimous.

Text Amendment 2015-02: Architectural Standards

Bjarne Hansen made the motion to strike the Village's residential architectural standards from section 10.1 of the UDO due to the recently enacted statutory prohibition on the enforcement of such regulations. It is also proposed that the nonresidential architectural

standards be relocated from Article 10 and inserted in Article 9 (Development Standards) of the UDO, and that Article 10 be renamed to “Reserved” for future codification purposes. Heather Rodney seconded the motion. Vote – Unanimous.

Text Amendment 2015-03: Sign Regulations

Bjarne Hansen made the motion to approve the technical clarifications due to the recent US Supreme Court ruling that effectively prohibits any functional classification of signs based on content and to eliminate any potentially content based sign regulations while maintaining as much of the original regulatory language as possible. Given the number of changes proposed, it is recommended that Article 11 be repealed in its entirety and replaced with the proposed revised version of Article 11 as presented. Heather Rodney seconded the motion. Vote – Unanimous.

Chairman Jonathan McDaniel read the following proposed Statement of Consistency and Reasonableness into the minutes.

The Lake Park Planning Board recommends that the Village Council authorize the necessary notice and public hearing to implement the following text amendments to the UDO:

1. TA 2015-01: Delete Section 3.2.4(E) – Protest Petitions
2. TA 2015-02:
 - a. Delete Section 10.1 – Residential Design Standards
 - b. Remove Section 10.2 (Nonresidential Design Standards) from Article 10 and relocate it to Article 9 as Section 9.11.
 - c. Change the title of Article 10 to “Reserved”
3. TA2015-03: Repeal Article 11 (Sign Regulations) and replace it with Article 11 (Sign Regulations) as presented and proposed.

The Planning Board has found that proposed amendments set forth above to the Village of Lake Park Unified Development Ordinance, which serves as the comprehensive zoning plan for the Village, are consistent with the plan since the proposed amendments serve to bring the Unified Development Ordinance into compliance with changes in statutory law recently enacted by the North Carolina Legislature and a ruling by the United States Supreme Court regarding limitations on sign restrictions in relation to First Amendment rights.

Furthermore, the Planning Board has found that the proposed amendments to the Village of Lake Park Unified Development Ordinance are reasonable and in the public interest since they provide local legislation that is consistent with recent State law enactments and a ruling of the United State Supreme Court which would be intended to insulate the Village from legal claims that the Unified Development Ordinance was not in compliance with such State Law and applicable court rulings.

This recommendation being made this the 19th day of January, 2016.

Rob Bowlin made the motion to adopt the Statements of Consistency and Reasonableness. Bjarne Hansen seconded the motion. Vote – Unanimous.

Board Comments: Rob Bowlin asked if the US Supreme Court ruling affects all the states or just North Carolina. Vagn Hansen shared that the ruling affects everyone, however some jurisdiction may not act until signage questions arise.

Setting Agenda for Next Month's Meeting: No changes to the agenda.

Adjourn: Rob Bowlin made the motion to adjourn. Bjarne Hansen seconded the motion. Vote – Unanimous.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Cheri Clark".

Cheri Clark
Village Administrator